

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8
9

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

Defendant.

**REQUEST FOR
CLARIFICATION RE
ORACLE'S PROPOSAL
FOR SOCIAL MEDIA
SEARCHES**

In its most recent brief on social media searches, Oracle indicated that it only intends to conduct passive Internet searches of the jurors for public social media posts in order to monitor for potential misconduct, such as posting commentary about the case and that its investigators would *not* log in to any social media sites while monitoring the jurors' online activity (Dkt. No. 1537 at 1). As the Court understands it, however, Facebook users' "timelines" and lists of "friends" are *not* available to Internet users without Facebook accounts (or users who have logged out of their Facebook accounts). This limitation applies regardless of the user's privacy settings. By **WEDNESDAY, MARCH 23 AT NOON**, Oracle will please clarify how it intends to use passive logged-out review of jurors' Facebook profiles to monitor any juror misconduct throughout the course of the trial.

Dated: March 21, 2016.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE